



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **OHASHI, Tatsuya, et al.**

Group Art Unit: 1641

Serial No.: 10/538,912

Examiner: **GRUN, James Leslie**

Filed: **June 13, 2005**

P.T.O. Confirmation No.: 9528

For. **IMMUNOASSAY METHOD AND KIT TO BE USED THEREIN**

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: May 7, 2009

Sir:

Submitted herewith for filing in the above-identified application is a Terminal Disclaimer.

The Commissioner is authorized to charge our Deposit Account in the amount of \$140.00  
for the required fee.

In the event that any additional fees are due in connection with this paper, please charge our  
Deposit Account No. 01-2340. A duplicate of this paper is enclosed.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

Daniel A. Geselowitz, Ph.D.

Agent for Applicants

Reg. No. 42,573

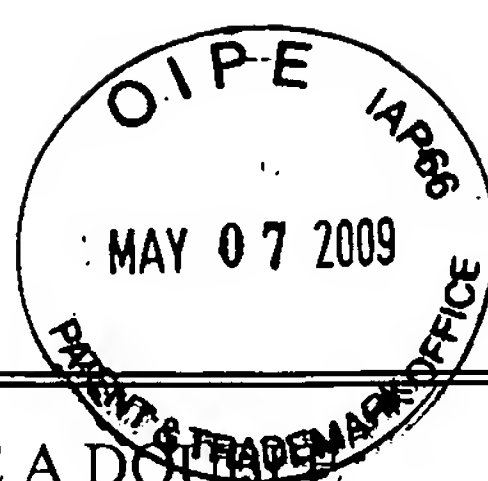
DAG/xl

Atty. Docket No. **050381**  
Suite 400  
1420 K Street, N.W.  
Washington, D.C. 20005  
(202) 659-2930



23850

PATENT & TRADEMARK OFFICE



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Docket Number  
**050381**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **OHASHI, Tatsuya, et al.**

Group Art Unit: **1641**

Serial No.: **10/538,912**

Examiner: **GRUN, James Leslie**

Filed: **June 13, 2005**

P.T.O. Confirmation No.: **9528**

For. **Immunoassay Method and Kit to be Used Therein**

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Washington, D. C. 22313-1450

May 7, 2009

Sir:

The undersigned, **Daniel A. Geselowitz, Ph.D.**, is agent of record in the above-identified patent application. The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **7,074,903 B2** is hereby disclaimed, except as provided below. It is agreed that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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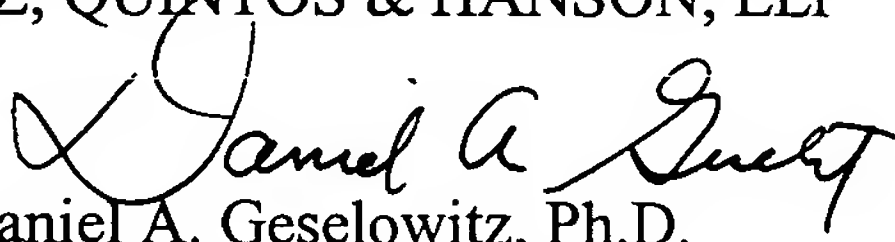
Application Serial No.: 10/538,912  
Terminal Disclaimer

This disclaimer is submitted on behalf of NITTO BOSEKI CO., LTD., a Japanese company, on whose behalf the undersigned is empowered to act, which owns the entire and exclusive right, title and interest to the invention entitled **"Immunoassay Method and Kit to be Used Therein"**, for which the above-identified patent application was filed on **June 13, 2005**, Serial No. **10/538,912**, and all Letters Patent of the United States to be obtained therefor on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted, by virtue of an assignment from the inventor(s) of the above-identified patent application. The assignment was recorded in the Patent and Trademark Office at Reel **(017413)**, Frame **(0348)**, or a copy thereof is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

  
Daniel A. Geselowitz, Ph.D.  
Agent for Applicants  
Reg. No. 42,573

DAG/xl

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